

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:08-CR-0066-01
	:	
v.	:	(Judge Conner)
	:	
WALTER SANTIAGO	:	

ORDER

AND NOW, this 12th day of January, 2011, upon consideration of the motion (Doc. 159) for review of sentence, filed by defendant Walter Santiago ("Santiago"), wherein Santiago requests credit for prior custody pursuant to 18 U.S.C. § 3585, and asks that the court backdate the date Santiago's sentence commenced in order to effectuate a credit of seventeen months for time spent in local law enforcement detention prior to his federal incarceration, and it appearing that Santiago previously filed a motion for credit for prior custody with this court (see Doc. 151), and by order of the court (Doc. 158) dated November 3, 2010, the motion was dismissed for lack of jurisdiction, and it further appearing that the instant motion similarly requests a credit for prior custody, and the court noting once more that the Director of the Bureau of Prisons ("BOP") is vested with the authority to compute sentences, see 28 C.F.R. § 0.96, and that the BOP determines both the date on which the federal sentence commences and any credit to which the defendant may be entitled, see Chambers v. Holland, 920 F. Supp. 618, 621 (M.D. Pa. 1996), the court concluding that Santiago is again attacking the computation of his sentence, and the court further concluding that, as with his prior motion for credit for prior custody, the appropriate vehicle for such an attack is a 28 U.S.C. § 2241 petition for

writ of habeas corpus against his custodian, see King v. Lindsay, No. 1:07-CV-00375, 2007 WL 2028862, at *1 (M.D. Pa. July 11, 2007) (noting that § 2241 is the appropriate vehicle to challenge a sentencing credit determination by the BOP), which, given Santiago's incarceration at FCI Fort Dix, Fort Dix, New Jersey, this court does not have jurisdiction over, see id. (proper district for § 2241 petition is the district where petitioner is imprisoned), it is hereby ORDERED that the motion (Doc. 159) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge